

**ASSEMBLY BILL**

**No. 1526**

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**Introduced by Assembly Member Bogh**

February 22, 2005

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An act to add Section 21541.2 to the Government Code, relating to public employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1526, as introduced, Bogh. Public employees' retirement: special death benefits.

The Public Employees' Retirement law provides for a preretirement special death benefit that is calculated, in part, as a fraction of the deceased member's final compensation at the time of injury or disease causing death. Existing law provides that, with respect to a deceased member who would have been less than 50 years of age on January 1, 2001, that benefit shall be increased when the compensation is increased for his or her final job classification and membership category, as specified.

This bill would permit a contracting agency to elect, as specified, to provide for an increased special death benefit with respect to a special death benefit payable on and after January 1, 2006, on account of a deceased local member who was less than 50 years of age on the date of his or her death, and who would have been 50 years of age or older, if still living on January 1, 2001, to the extent that compensation has been increased for active members employed in the job classification and membership category that was applicable to the deceased member. The bill would provide that the increase is limited solely to compensation increases that occur until the time that the deceased member would have attained the age of 50 years and may be made for a deceased member one time only.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21541.2 is added to the Government  
2 Code, to read:  
3 21541.2. (a) Pursuant to the requirements of subdivision (b),  
4 with respect to a special death benefit payable on and after  
5 January 1, 2006, on account of a deceased local member who  
6 was less than 50 years of age on the date of his or her death, and  
7 who would have been 50 years of age or older, if still living on  
8 January 1, 2001, the deceased member's final compensation shall  
9 be deemed to increase, and the death benefit shall be increased  
10 correspondingly pursuant to subdivision (b) of Section 21541, to  
11 the extent that compensation is increased for active members  
12 employed in the job classification and membership category that  
13 was applicable to the deceased member. An increase in the death  
14 benefit provided by this section shall be based solely upon  
15 compensation increases that occur until the time that the  
16 deceased member would have attained the age of 50 years.  
17 (b) (1) This section shall not apply to employees of any  
18 contracting agency nor to any agency unless and until the  
19 contracting agency elects to be subject to its provisions by  
20 amendment to its contract with the board, made as provided in  
21 Section 20474, or unless the agency's contract with the board  
22 includes at its effective date, a provision making the agency and  
23 its employees subject to the provisions of this section.  
24 (2) The increase of the special death benefit, provided by this  
25 section, may be made for a deceased member one time only.